

IC 31-11

ARTICLE 11. FAMILY LAW: MARRIAGE

IC 31-11-1

Chapter 1. Who May Marry

IC 31-11-1-1

Sec. 1. (a) Only a female may marry a male. Only a male may marry a female.

(b) A marriage between persons of the same gender is void in Indiana even if the marriage is lawful in the place where it is solemnized.

As added by P.L.1-1997, SEC.3. Amended by P.L.198-1997, SEC.1.

IC 31-11-1-2

Sec. 2. Two (2) individuals may not marry each other if the individuals are more closely related than second cousins. However, two (2) individuals may marry each other if the individuals are:

(1) first cousins; and

(2) both at least sixty-five (65) years of age.

As added by P.L.1-1997, SEC.3.

IC 31-11-1-3

Sec. 3. Two (2) individuals may not marry each other if either individual has a husband or wife who is alive.

As added by P.L.1-1997, SEC.3.

IC 31-11-1-4

Sec. 4. Except as provided in section 5 or 6 of this chapter, two (2) individuals may not marry each other unless both individuals are at least eighteen (18) years of age.

As added by P.L.1-1997, SEC.3.

IC 31-11-1-5

Sec. 5. Two (2) individuals may marry each other if:

(1) both individuals are at least seventeen (17) years of age;

(2) each individual who is less than eighteen (18) years of age receives the consent required by IC 31-11-2; and

(3) the individuals are not prohibited from marrying each other for a reason set forth in this article.

As added by P.L.1-1997, SEC.3.

IC 31-11-1-6

Sec. 6. (a) Two (2) individuals may marry each other if:

(1) the individuals are not prohibited from marrying for a reason set forth in this article; and

(2) a circuit or superior court of the county of residence of either individual considers the information required to be submitted by subsection (b) and authorizes the clerk of the circuit court to issue the individuals a marriage license.

(b) A court may not authorize the clerk of the circuit court to issue

a marriage license under subsection (a) unless:

(1) the individuals have filed with the court a verified petition that includes allegations that:

- (A) the female is at least fifteen (15) years of age;
- (B) the female is pregnant or is a mother;
- (C) each of the individuals who is less than eighteen (18) years of age has received the consent required by IC 31-11-2;
- (D) the male is at least fifteen (15) years of age and is either:
 - (i) the putative father of the expected child of the female; or
 - (ii) the father of the female's child; and
- (E) the individuals desire to marry each other;

(2) the court has provided notice of the hearing required by this section to both parents of both petitioners or, if applicable to either petitioner:

- (A) to the legally appointed guardian or custodian of a petitioner; or
- (B) to one (1) parent of a petitioner if the other parent:
 - (i) is deceased;
 - (ii) has abandoned the petitioner;
 - (iii) is mentally incompetent;
 - (iv) is an individual whose whereabouts is unknown; or
 - (v) is a noncustodial parent who is delinquent in the payment of court ordered child support on the date the petition is filed;

(3) a hearing is held on the petition in which the petitioners and interested persons, including parents, guardians, and custodians, are given an opportunity to appear and present evidence; and

(4) the allegations of the petition filed under subdivision (1) have been proven.

(c) A court's authorization granted under subsection (a):

- (1) constitutes part of the confidential files of the clerk of the circuit court; and
- (2) may be inspected only by written permission of a circuit, superior, or juvenile court.

As added by P.L.1-1997, SEC.3.

IC 31-11-2

Chapter 2. Consent to Marry Required for Certain Individuals

IC 31-11-2-1

Sec. 1. Except as provided in section 3 of this chapter, each individual who is less than eighteen (18) years of age must obtain consent under this chapter before the individual may marry.

As added by P.L.1-1997, SEC.3.

IC 31-11-2-2

Sec. 2. (a) A consent to marry under this chapter must be signed and verified in the presence of the clerk of the circuit court by:

- (1) both parents, natural or adoptive, of the individual who is less than eighteen (18) years of age;
- (2) the legally appointed guardian of the individual;
- (3) one (1) parent of the individual if legal custody has been awarded to that parent by a judicial decree; or
- (4) one (1) parent if the other parent:
 - (A) is deceased;
 - (B) has abandoned the individual who is less than eighteen (18) years of age;
 - (C) is physically or mentally incompetent to furnish the written consent; or
 - (D) is an individual whose whereabouts is unknown.

(b) If only one (1) parent signs the consent under subsection (a)(3) or (a)(4), the consent must contain a verified statement of fact that explains why only one (1) parent is required to sign the consent.

As added by P.L.1-1997, SEC.3.

IC 31-11-2-3

Sec. 3. (a) An individual who is less than eighteen (18) years of age may marry if:

- (1) the individual petitions the judge of the circuit or superior court of a county that is:
 - (A) the county of residence of the individual or the county of residence of the individual that the individual intends to marry; or
 - (B) a county that adjoins a county described in clause (A);
- (2) the judge of the circuit or superior court directs the clerk of the circuit court to issue the individuals who intend to marry each other a license to marry without obtaining the consent required by section 1 of this chapter; and
- (3) the individual is not prohibited from marrying for a reason set forth in IC 31-11-1.

(b) The petition made under subsection (a)(1) may be made in writing or orally. The judge of the court may conduct investigations and hold hearings on the petition. The judge may, by written order, direct the clerk of the circuit court to issue a marriage license under subsection (a)(2) if the judge:

- (1) considers the facts relevant to the issue presented by the petition;

(2) finds that good and sufficient reason for the order has been shown; and

(3) finds that the order is in the best interest of all persons concerned with the issues raised in the petition.

As added by P.L.1-1997, SEC.3.

IC 31-11-3

Chapter 3. Uniform Premarital Agreement Act

IC 31-11-3-1

Sec. 1. This chapter applies to a premarital agreement executed on or after July 1, 1995.

As added by P.L.1-1997, SEC.3.

IC 31-11-3-2

Sec. 2. As used in this chapter, "premarital agreement" means an agreement between prospective spouses that:

- (1) is executed in contemplation of marriage; and
- (2) becomes effective upon marriage.

As added by P.L.1-1997, SEC.3.

IC 31-11-3-3

Sec. 3. As used in this chapter, "property" means an interest, present or future, legal or equitable, vested or contingent, in real and personal property, including income and earnings.

As added by P.L.1-1997, SEC.3.

IC 31-11-3-4

Sec. 4. A premarital agreement must be in writing and signed by both parties. The agreement is enforceable without consideration.

As added by P.L.1-1997, SEC.3.

IC 31-11-3-5

Sec. 5. (a) Parties to a premarital agreement may contract with each other regarding the following matters:

- (1) The rights and obligations of each of the parties in any property of either or both of them whenever and wherever acquired or located.
- (2) The right to:
 - (A) buy;
 - (B) sell;
 - (C) use;
 - (D) exchange;
 - (E) abandon;
 - (F) lease;
 - (G) consume;
 - (H) expend;
 - (I) assign;
 - (J) create a security interest in;
 - (K) mortgage;
 - (L) encumber;
 - (M) dispose of; or
 - (N) otherwise manage and control;property.

- (3) The disposition of property upon:

- (A) legal separation;
- (B) dissolution of marriage;

- (C) death; or
- (D) the occurrence or nonoccurrence of any other event.
- (4) The modification or elimination of spousal maintenance.
- (5) The making of:
 - (A) a will;
 - (B) a trust; or
 - (C) other arrangement;to carry out the provisions of the agreement.
- (6) The ownership rights in and disposition of a death benefit from a life insurance policy.
- (7) The choice of law governing the construction of the agreement.
- (8) Any other matter not in violation of public policy or a statute imposing a criminal penalty, including the personal rights and obligations of the parties.

(b) A premarital agreement may not adversely affect the right of a child to support.

As added by P.L.1-1997, SEC.3.

IC 31-11-3-6

Sec. 6. A premarital agreement becomes effective upon marriage.

As added by P.L.1-1997, SEC.3.

IC 31-11-3-7

Sec. 7. After marriage, a premarital agreement may be amended or revoked only by a written agreement signed by the parties. The amended agreement or the revocation is enforceable without consideration.

As added by P.L.1-1997, SEC.3.

IC 31-11-3-8

Sec. 8. (a) A premarital agreement is not enforceable if a party against whom enforcement is sought proves that:

- (1) the party did not execute the agreement voluntarily; or
- (2) the agreement was unconscionable when the agreement was executed.

(b) If:

- (1) a provision of a premarital agreement modifies or eliminates spousal maintenance; and
- (2) the modification or elimination causes one (1) party to the agreement extreme hardship under circumstances not reasonably foreseeable at the time of the execution of the agreement;

a court, notwithstanding the terms of the agreement, may require the other party to provide spousal maintenance to the extent necessary to avoid extreme hardship.

(c) A court shall decide an issue of unconscionability of a premarital agreement as a matter of law.

As added by P.L.1-1997, SEC.3.

IC 31-11-3-9

Sec. 9. If a marriage is determined to be void, an agreement that

would otherwise have been a premarital agreement is enforceable only to the extent necessary to avoid an inequitable result.

As added by P.L.1-1997, SEC.3.

IC 31-11-3-10

Sec. 10. Any statute of limitations applicable to an action asserting a claim for relief under a premarital agreement is tolled during the marriage of the parties to the agreement. However, equitable defenses limiting the time for enforcement, including laches and estoppel, are available to either party.

As added by P.L.1-1997, SEC.3.

IC 31-11-4

Chapter 4. Marriage Licenses and Certificates

IC 31-11-4-1

Sec. 1. Before two (2) individuals may marry each other, the individuals must obtain a marriage license under this chapter.

As added by P.L.1-1997, SEC.3.

IC 31-11-4-2

Sec. 2. A clerk of a circuit court may not issue a marriage license unless the individuals who apply for the license have the authority to marry each other under IC 31-11-1.

As added by P.L.1-1997, SEC.3.

IC 31-11-4-3

Sec. 3. Individuals who intend to marry must obtain a marriage license from the clerk of the circuit court of the county of residence of either of the individuals. If neither of the individuals who intends to marry is a resident of Indiana, the individuals must obtain the marriage license from the clerk of the circuit court of the county in which the marriage is to be solemnized.

As added by P.L.1-1997, SEC.3.

IC 31-11-4-4

Sec. 4. (a) An application for a marriage license must be written and verified. The application must contain the following information concerning each of the applicants:

- (1) Full name.
- (2) Birthplace.
- (3) Residence.
- (4) Age.
- (5) Names of dependent children.
- (6) Full name, including the maiden name of a mother, last known residence, and, if known, the place of birth of:
 - (A) the birth parents of the applicant if the applicant is not adopted; or
 - (B) the adoptive parents of the applicant if the applicant is adopted.
- (7) A statement of facts necessary to determine whether any legal impediment to the proposed marriage exists.
- (8) Except as provided in subsection (e), an acknowledgment that both applicants must sign, affirming that the applicants have received the information described in section 5 of this chapter, including a list of test sites for the virus that causes AIDS (acquired immune deficiency syndrome). The acknowledgment required by this subdivision must be in the following form:

ACKNOWLEDGMENT

I acknowledge that I have received information regarding dangerous communicable diseases that are sexually transmitted and a list of test sites for the virus that causes AIDS (acquired immune deficiency syndrome).

Signature of Applicant

Date

Signature of Applicant

Date

(b) The clerk of the circuit court shall record the application, including the license and certificate of marriage, in a book provided for that purpose. This book is a public record.

(c) The state department of health shall develop uniform forms for applications for marriage licenses. The state department of health shall furnish these forms to the circuit court clerks. The state department of health may periodically revise these forms.

(d) The state department of health shall require that the record of marriage form developed under subsection (c) must include each applicant's Social Security number which must be obtained unless the applicant objects. The record of marriage form must specify that an applicant is not required by law to reveal the applicant's Social Security number as part of the marriage application. Any Social Security numbers collected on the record of marriage form shall be kept confidential and used only to carry out the purposes of the Title IV-D program. A person who knowingly or intentionally violates confidentiality regarding an applicant's Social Security numbers as described in this subsection commits a Class A infraction.

(e) Notwithstanding subsection (a), a person who objects on religious grounds is not required to:

(1) verify the application under subsection (a) by oath or affirmation; or

(2) sign the acknowledgment described in subsection (a)(8).

However, before the clerk of the circuit court may issue a marriage license to a member of the Old Amish Mennonite church, the bishop of that member must sign a statement that the information in the application is true.

(f) If a person objects on religious grounds to:

(1) verifying the application under subsection (a) by oath or affirmation; or

(2) signing the acknowledgment described in subsection (a)(8);

the clerk of the circuit court shall indicate that fact on the application for a marriage license.

As added by P.L.1-1997, SEC.3. Amended by P.L.213-1999, SEC.8.

IC 31-11-4-5

Sec. 5. (a) The clerk of the circuit court shall distribute to marriage license applicants written information or videotaped information approved by the AIDS advisory council of the state department of health concerning dangerous communicable diseases that are sexually transmitted.

(b) Written information and videotaped information distributed by each clerk of the circuit court under subsection (a) must provide current information on human immunodeficiency virus (HIV) infection and other dangerous communicable diseases that are sexually transmitted. The information must include an explanation of the following:

- (1) The etiology of dangerous communicable diseases that are sexually transmitted.
 - (2) The behaviors that create a high risk of transmission of such diseases.
 - (3) Precautionary measures that reduce the risk of contracting such diseases.
 - (4) The necessity for consulting medical specialists if infection is suspected.
- (c) At the time of application for a marriage license, each clerk of the circuit court shall:
- (1) provide the marriage license applicants with written information furnished under subsection (a) concerning dangerous communicable diseases that are sexually transmitted; or
 - (2) show the marriage license applicants videotaped information furnished under subsection (a) concerning dangerous communicable diseases that are sexually transmitted.
- (d) In addition to the information provided to marriage license applicants under subsection (c), each clerk of the circuit court shall inform each marriage license applicant that the applicant may be tested on a voluntary basis for human immunodeficiency virus (HIV) infection by the applicant's private physician or at another testing site. The clerk shall provide the marriage applicants with a list of testing sites in the community.
- (e) An applicant who objects to the written information or videotaped information on religious grounds is not required to receive the information.
- (f) If materials required by this section are not prepared by other sources, the state department of health shall prepare the materials.
- (g) The provider of the materials is responsible for all costs involved in the development, preparation, and distribution of the information required by this section. Except for the materials developed by the state, the state and county are not liable for the costs of materials used to implement this section and section 4 of this chapter.
- As added by P.L.1-1997, SEC.3.*

IC 31-11-4-6

Sec. 6. Each individual who applies for a marriage license must submit to the clerk of the circuit court:

- (1) a certified copy of the individual's birth certificate;
- (2) a certified copy of a judicial decree issued under IC 34-28-1 (or IC 34-4-3 before its repeal) that establishes the date of the individual's birth;
- (3) any written evidence of the individual's date of birth that is satisfactory to the clerk; or
- (4) a valid operator's license or other identification issued by a state that contains the individual's date of birth and current address.

As added by P.L.1-1997, SEC.3. Amended by P.L.1-1998, SEC.158.

IC 31-11-4-7

Sec. 7. A clerk of a circuit court or a deputy of the clerk may not

issue a marriage license unless the application for the license is accompanied by the information required to be submitted by section 6 of this chapter.

As added by P.L.1-1997, SEC.3.

IC 31-11-4-8

Sec. 8. If a written consent is required by IC 31-11-2, a clerk of a circuit court may not receive an application for a marriage license unless:

- (1) the clerk has filed the consent form in the clerk's office; and
- (2) the clerk has entered a notice of the filing on the marriage license docket.

As added by P.L.1-1997, SEC.3.

IC 31-11-4-9

Sec. 9. An application for a marriage license expires sixty (60) days after the application is filed with the clerk of the circuit court unless a license to marry is issued under the application within that time.

As added by P.L.1-1997, SEC.3.

IC 31-11-4-10

Sec. 10. A marriage license expires sixty (60) days after the license is issued unless a marriage is solemnized under the license within that time.

As added by P.L.1-1997, SEC.3.

IC 31-11-4-11

Sec. 11. A clerk of a circuit court may not issue a marriage license if either of the individuals who applies for the license:

- (1) has been adjudged to be mentally incompetent unless the clerk finds that the adjudication is no longer in effect; or
- (2) is under the influence of an alcoholic beverage or a narcotic drug.

As added by P.L.1-1997, SEC.3.

IC 31-11-4-12

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Sec. 12. (a) If it appears that two (2) individuals do not have a right to a marriage license, the clerk of the circuit court shall refuse to issue the license. If the clerk refuses to issue the license and if requested by the individuals, the clerk shall:

- (1) certify the refusal to the circuit court; and
- (2) notify the individuals of the clerk's actions.

(b) At the earliest practicable time, the court shall hold a hearing on whether a marriage license should be issued to the individuals. The court shall notify the individuals of the time and place of the hearing. The hearing shall be held without a jury and may be held in court or in chambers. The court's finding concerning the issuance of a license is final.

(c) The clerk of the circuit court shall:

(1) issue; or
(2) refuse to issue;
a marriage license in conformance with the court's order.

(d) The individuals who intend to marry are not liable for costs for any actions taken under this section.

As added by P.L.1-1997, SEC.3.

IC 31-11-4-13

Sec. 13. Individuals who intend to marry each other must present a marriage license that is issued under this chapter to an individual who is authorized by IC 31-11-6 to solemnize marriages.

As added by P.L.1-1997, SEC.3.

IC 31-11-4-14

Sec. 14. A marriage license that is issued under this chapter is the legal authority for an individual who is authorized to solemnize marriages to marry two (2) individuals.

As added by P.L.1-1997, SEC.3.

IC 31-11-4-15

Sec. 15. Each marriage license must have two (2) certificates attached to the license. The state department of health shall prescribe a uniform form for these certificates. One (1) certificate must be marked "Original" and one (1) certificate must be marked "Duplicate". Each certificate must contain the following:

MARRIAGE CERTIFICATE

I _____ (name) certify that on _____ (date) at _____ in _____ County, Indiana, _____ of _____ County, _____ (state) and _____ of _____ County, _____ (state) were married by me as authorized under a marriage license that was issued by the Clerk of the Circuit Court of _____ County, Indiana, dated _____.

Signed

(OFFICIAL DESIGNATION)

As added by P.L.1-1997, SEC.3.

IC 31-11-4-16

Sec. 16. (a) The individual who solemnizes a marriage shall do the following:

- (1) Complete the original and duplicate certificates described in section 15 of this chapter.
- (2) Give the original certificate to the individuals who married each other.
- (3) Not later than thirty (30) days after the date of the marriage, file the duplicate certificate and the license to marry with the clerk of the circuit court who issued the marriage license.

(b) The clerk of the circuit court shall record the duplicate certificate and license to marry as prescribed by the state department of health under section 15 of this chapter.

(c) If a duplicate certificate and marriage license are filed with a clerk of the circuit court who did not issue the marriage license, the

clerk shall return the certificate and license to the clerk of the circuit court who issued the license.

As added by P.L.1-1997, SEC.3.

IC 31-11-4-17

Sec. 17. (a) If the individual who solemnizes a marriage fails to:

- (1) appropriately complete the certificate of marriage; or
- (2) timely file the duplicate marriage certificate and marriage license with the clerk of the circuit court;

as required by section 16 of this chapter, either party to the marriage may file for a declaratory judgment in the circuit court with jurisdiction in the county in which the marriage occurred.

(b) Upon proof by oral testimony or affidavits, the court may issue a declaratory order that:

- (1) the marriage of the individuals listed was solemnized before the date the original marriage license expired;
- (2) any error by the party who solemnized the marriage does not affect the validity of the marriage; and
- (3) the clerk of the circuit court shall:
 - (A) accept the order for filing; and
 - (B) issue a duplicate marriage license with the date the marriage occurred to the party who sought declaratory relief.

(c) A court order issued under this section has the same legal effect as a properly attested and filed marriage certificate.

(d) The clerk of the circuit court shall record the duplicate license and court order and forward a copy of the marriage records to the state department of health on at least a monthly basis.

As added by P.L.1-1997, SEC.3.

IC 31-11-4-18

Sec. 18. (a) The clerk of the circuit court shall forward marriage records to the state department of health on at least a monthly basis.

(b) The state department of health shall:

- (1) prescribe a form for recording marriages;
- (2) accept a court order under section 17 of this chapter (or IC 31-7-3-15.5 before its repeal) in place of a marriage certificate;
- (3) prepare an annual index of all marriages solemnized in Indiana and furnish at least one (1) index to the Indiana state library; and
- (4) furnish reports on records of marriage published by the state department of health to the Indiana state library.

As added by P.L.1-1997, SEC.3.

IC 31-11-4-19

Sec. 19. Statistical data derived from records of marriages are open to public inspection.

As added by P.L.1-1997, SEC.3.

IC 31-11-5

Chapter 5. Medical Tests Required Before Issuance of a Marriage License

IC 31-11-5-1

Sec. 1. (a) Except as provided in subsection (b), each female who intends to marry must be examined by a physician who holds an unlimited license to practice medicine. The examination must consist of a standard test to determine whether the individual has evidence of immunological response to rubella.

(b) A test is not required by subsection (a) if the female who intends to marry:

- (1) objects to taking the test on religious grounds;
- (2) is at least fifty (50) years of age;
- (3) presents evidence of sterilization;
- (4) presents laboratory evidence of a previous test declaring her immunity to rubella; or
- (5) presents a written record that a rubella vaccine was administered to her on or after her first birthday.

(c) A physician who conducts an examination under subsection (a) shall explain the significance of the results of the test for immunological response to rubella.

As added by P.L.1-1997, SEC.3.

IC 31-11-5-2

Sec. 2. A clerk of a circuit court may not accept an application for a marriage license unless the application for the license is accompanied by a written report that is prepared and signed by a physician with an unlimited license to practice medicine. The report must contain the following:

- (1) The name of the individual who was examined.
- (2) A statement that the individual was examined by the physician.
- (3) The date that the individual was examined.
- (4) If the individual who was examined is a female who is less than fifty (50) years of age, a statement of whether the individual has an immunological response to rubella.
- (5) A statement of whether the individual objected on religious grounds to taking a test to determine immunological response to rubella.

As added by P.L.1-1997, SEC.3.

IC 31-11-5-3

Sec. 3. (a) Each physician's report that is made under section 2 of this chapter must be accompanied by a statement from the person in charge of the laboratory that performed the test or from a person authorized by that person. The statement must include the following:

- (1) The name of the test.
- (2) The date the test was completed.
- (3) The name and address of each person whose blood was tested.

The statement may not include the diagnostic results of the tests. The

statement of the physician and the statement from the laboratory must be on the same form.

(b) The laboratory shall provide the physician a detailed report of the laboratory test to determine the immunologic response to rubella.
As added by P.L.1-1997, SEC.3.

IC 31-11-5-4

Sec. 4. (a) The state department of health must approve the standard test that is used to determine immunological response to rubella. The test must be performed in:

- (1) the laboratory of the state department of health; or
- (2) a laboratory that is approved by the state department of health and meets the standards established by the department of pathology of the Indiana University School of Medicine.

(b) A physician who examines an individual who intends to marry shall provide a specimen of the individual's blood to a laboratory approved under this section. The laboratory shall conduct the tests described in this section.

As added by P.L.1-1997, SEC.3.

IC 31-11-5-5

Sec. 5. The state department of health may do the following:

- (1) Adopt rules under IC 4-22-2 to carry out this chapter.
- (2) In conjunction with the department of pathology of the Indiana University School of Medicine, establish standards and approve laboratories that perform tests described in section 4 of this chapter and other tests of a public health nature.

As added by P.L.1-1997, SEC.3.

IC 31-11-5-6

Sec. 6. (a) Individuals who intend to marry each other may petition a court to order the clerk of the circuit court to issue a license to marry to the individuals by:

- (1) removing the requirement of submitting a report required by section 2 of this chapter; or
- (2) extending the validity of an examination and report made under section 2 of this chapter (or IC 31-7-4-3 before its repeal).

(b) The petition made under subsection (a) may be made in writing or orally. The petition must be made to the judge of a circuit or superior court of a county:

- (1) in which either of the individuals who desire to marry resides; or
- (2) that is adjacent to a county in which either of the individuals who intend to marry resides.

(c) After a petition is made under this section, the judge may conduct investigations and hold hearings on the petition. The judge may order the clerk of the circuit court to issue a license to marry under subsection (d) if the judge:

- (1) gives due consideration to the facts relevant to the issue presented by the petition;
- (2) finds that good and sufficient reason has been shown to

issue the order;

(3) finds that it is in the best interests of all persons concerned with the issues raised in the petition to issue the order; and

(4) finds that the public welfare and health will not be injuriously affected by the order.

(d) If the judge complies with subsection (c), the judge may, by written order, direct the clerk of the circuit court to issue the individuals a license to marry by:

(1) removing the requirement of submitting a report required by section 2 of this chapter; or

(2) extending the validity of an examination and report made under section 2 of this chapter (or IC 31-7-4-3 before its repeal).

(e) The judge may not extend the validity of an examination and report made under section 2 of this chapter (or IC 31-7-4-3 before its repeal) more than ninety (90) days after the date the physician made the examination. The judge may order the clerk of the circuit court to issue a marriage license to the petitioners.

(f) The judge may not make a finding that a petitioner is infected with syphilis unless:

(1) the result of the blood test; and

(2) the physician's report made under section 2 of this chapter (or IC 31-7-4-3 before its repeal);

have been exhibited to the judge.

(g) Each order made by a judge under this section must be accompanied by a written memorandum prepared by the judge that recites the reasons for issuing the order. Each order and memorandum made under this section:

(1) shall be filed with the clerk of the circuit court;

(2) is confidential; and

(3) is not a public record.

(h) All communications concerning an order or a memorandum made under this section are privileged communications.

As added by P.L.1-1997, SEC.3.

IC 31-11-6

Chapter 6. Authority to Solemnize Marriages

IC 31-11-6-1

Sec. 1. Marriages may be solemnized by any of the following:

- (1) A member of the clergy of a religious organization (even if the cleric does not perform religious functions for an individual congregation), such as a minister of the gospel, a priest, a bishop, an archbishop, or a rabbi.
- (2) A judge.
- (3) A mayor, within the mayor's county.
- (4) A clerk or a clerk-treasurer of a city or town, within a county in which the city or town is located.
- (5) A clerk of the circuit court.
- (6) The Friends Church, in accordance with the rules of the Friends Church.
- (7) The German Baptists, in accordance with the rules of their society.
- (8) The Bahai faith, in accordance with the rules of the Bahai faith.
- (9) The Church of Jesus Christ of Latter Day Saints, in accordance with the rules of the Church of Jesus Christ of Latter Day Saints.
- (10) An imam of a masjid (mosque), in accordance with the rules of the religion of Islam.

As added by P.L.1-1997, SEC.3. Amended by P.L.34-1999, SEC.1.

IC 31-11-7**Chapter 7. Rights and Liabilities Incident to Marriage****IC 31-11-7-1**

Sec. 1. All legal disabilities of a married woman to make contracts are abolished.

As added by P.L.1-1997, SEC.3.

IC 31-11-7-2

Sec. 2. A married woman has the same rights concerning real and personal property that an unmarried woman has.

As added by P.L.1-1997, SEC.3.

IC 31-11-7-3

Sec. 3. A married woman is liable for torts committed by the woman.

As added by P.L.1-1997, SEC.3.

IC 31-11-7-4

Sec. 4. A husband is not liable for the contracts or torts of his wife.

As added by P.L.1-1997, SEC.3.

IC 31-11-8

Chapter 8. Void Marriages

IC 31-11-8-1

Sec. 1. A marriage that is solemnized in Indiana and is void under section 2, 3, or 5 of this chapter is void without any legal proceedings.
As added by P.L.1-1997, SEC.3.

IC 31-11-8-2

Sec. 2. A marriage is void if either party to the marriage had a wife or husband who was living when the marriage was solemnized.
As added by P.L.1-1997, SEC.3.

IC 31-11-8-3

Sec. 3. A marriage is void if the parties to the marriage are more closely related than second cousins. However, a marriage is not void if:

- (1) the marriage was solemnized after September 1, 1977;
- (2) the parties to the marriage are first cousins; and
- (3) both of the parties were at least sixty-five (65) years of age when the marriage was solemnized.

As added by P.L.1-1997, SEC.3.

IC 31-11-8-4

Sec. 4. A marriage is void if either party to the marriage was mentally incompetent when the marriage was solemnized.
As added by P.L.1-1997, SEC.3.

IC 31-11-8-5

Sec. 5. A marriage is void if the marriage is a common law marriage that was entered into after January 1, 1958.
As added by P.L.1-1997, SEC.3.

IC 31-11-8-6

Sec. 6. A marriage is void if the parties to the marriage:

- (1) are residents of Indiana;
- (2) had their marriage solemnized in another state with the intent to:
 - (A) evade IC 31-11-4-4 or IC 31-11-4-11 (or IC 31-7-3-3 or IC 31-7-3-10 before their repeal); and
 - (B) subsequently return to Indiana and reside in Indiana; and
- (3) without having established residence in another state in good faith, return to Indiana and reside in Indiana after the marriage is solemnized.

As added by P.L.1-1997, SEC.3.

IC 31-11-9**Chapter 9. Voidable Marriages****IC 31-11-9-1**

Sec. 1. Actions to annul voidable marriages under this chapter are governed by IC 31-11-10.

As added by P.L.1-1997, SEC.3.

IC 31-11-9-2

Sec. 2. A marriage is voidable if a party to the marriage was incapable because of age or mental incompetency of contracting the marriage.

As added by P.L.1-1997, SEC.3.

IC 31-11-9-3

Sec. 3. A marriage is voidable if the marriage was brought about through fraud on the part of one (1) of the parties to the marriage.

As added by P.L.1-1997, SEC.3.

IC 31-11-10

Chapter 10. Actions to Annul Voidable Marriages

IC 31-11-10-1

Sec. 1. (a) This section applies to a marriage that is voidable under IC 31-11-9-2 on the ground that a party to the marriage was incapable because of age or mental incompetency of contracting the marriage.

(b) The incapable party described in subsection (a) may file an action to annul the marriage in a court that has jurisdiction over the action under section 3 of this chapter.

As added by P.L.1-1997, SEC.3.

IC 31-11-10-2

Sec. 2. (a) This section applies to a marriage that is voidable under IC 31-11-9-3 on the ground that the marriage was brought about through fraud on the part of one (1) of the parties to the marriage.

(b) The alleged victim of fraud described in subsection (a) may file an action to annul the marriage in a court that has jurisdiction over the action under section 3 of this chapter.

(c) It is a defense in an action brought under this section that, after the discovery of the alleged fraud, the alleged victim continued to cohabit with the other party to the marriage.

As added by P.L.1-1997, SEC.3.

IC 31-11-10-3

Sec. 3. A circuit or superior court has jurisdiction over actions to annul voidable marriages under this chapter.

As added by P.L.1-1997, SEC.3.

IC 31-11-10-4

Sec. 4. An action to annul a voidable marriage under this chapter must be conducted in accordance with IC 31-15.

As added by P.L.1-1997, SEC.3.

IC 31-11-11

Chapter 11. Offenses

IC 31-11-11-1

Sec. 1. A person who knowingly furnishes false information to a clerk of the circuit court when the person applies for a marriage license under IC 31-11-4 commits a Class D felony.

As added by P.L.1-1997, SEC.3.

IC 31-11-11-2

Sec. 2. A person who knowingly furnishes false information in a verified written consent under IC 31-11-2 commits a Class D felony.

As added by P.L.1-1997, SEC.3.

IC 31-11-11-3

Sec. 3. A person who:

(1) is:

(A) an applicant for a marriage license;

(B) a physician who examines a marriage license applicant under IC 31-11-5; or

(C) a person who makes a test of an applicant's blood under IC 31-11-5; and

(2) knowingly furnishes false information concerning a marriage license applicant's physical condition to the clerk of a circuit court;

commits a Class D felony.

As added by P.L.1-1997, SEC.3.

IC 31-11-11-4

Sec. 4. A clerk of the circuit court or a deputy of the clerk who issues a license to marry, knowing that the information concerning the physical condition of an applicant is false, commits a Class B misdemeanor.

As added by P.L.1-1997, SEC.3.

IC 31-11-11-5

Sec. 5. A person who:

(1) is authorized to solemnize marriages by IC 31-11-6; and

(2) solemnizes a marriage in violation of this article;

commits a Class C infraction.

As added by P.L.1-1997, SEC.3.

IC 31-11-11-6

Sec. 6. A person who:

(1) attempts to solemnize a marriage; and

(2) is not authorized to solemnize marriages by IC 31-11-6;

commits a Class B misdemeanor.

As added by P.L.1-1997, SEC.3.

IC 31-11-11-7

IC 31-11-11-7 Sec. 7. A person who knowingly solemnizes a marriage of individuals who are prohibited from marrying by IC 31-11-1 commits a Class B misdemeanor.
As added by P.L.1-1997, SEC.3.

IC 31-11-11-8

Sec. 8. A person who:

- (1) solemnizes a marriage; and
- (2) fails to file the marriage license and a duplicate marriage certificate with the clerk of the circuit court not later than ninety (90) days after the date the marriage was solemnized;

commits a Class C infraction.
As added by P.L.1-1997, SEC.3.